



WESTFIELD-WASHINGTON  
BOARD OF ZONING APPEALS

June 12, 2012

1206-VS-07

Exhibit 1

**Petition Number:** 1206-VS-07

**Subject Site Address:** 18909 Mule Barn Road

**Petitioner:** Jason Gibbons

**Request:** The petitioner is requesting multiple Variances of Standard from the Westfield-Washington Zoning Ordinance, as follows (WC§16.04.030.B.4) to reduce the minimum lot area from three (3) acres to (.77) acre; (WC § 16.04.030.B.5) to reduce the minimum lot frontage on road from (250) feet to (175) feet; (WC § 16.04.030.B.6.b) to reduce the side yard setback from (30) feet to (0) feet; and (WC § 16.04.030.B.6.c) to reduce the rear yard setback from (30) feet to (4) feet to accommodate a new accessory building.

**Current Zoning:** AG-SF1

**Current Land Use:** Residential

**Approximate Acreage:** .77 acres

**Zoning History:**

**Exhibits:**

1. Staff Report
2. Aerial Location Map
3. Petitioner's Application

**Staff Reviewer:** Ryan Clark, Associate Planner

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**Petition History**

This petition will receive a public hearing at the June 12, 2012 Board of Zoning Appeals meeting.

**Property Location and Description**

The subject property is approximately three-quarters (.77) of an acre in size and is located at 18909 Mule Barn Road (the "Property"). The Property is located in the AG-SF1 District and is completely



surrounded by AG-SF1 zoning. A legally established, non-conforming accessory building exists on the northeast corner of the property.

The petitioner desires to replace the legally established non-conforming accessory building on the northeast corner of the property in order to construct a larger accessory building in its place. The new accessory building would utilize the existing foundation of the accessory building, for the rear and side yard setbacks, and enlarge the foundation by approx. four (4) feet to the west and five (5) feet to the south. The proposed accessory building would have a rear setback of four (4) feet and a side yard setback of zero (0) feet. Presently, the AG-SF1 district requires a thirty (30) foot side yard setback and thirty (30) foot rear yard setback and is the reason for those two variance requests. All other zoning requirements that would apply to the accessory building would be met.

In addition, the Property does not meet the minimum AG-SF1 requirement for lot area, three (3) acres, and for lot frontage on a road, two-hundred and fifty (250), feet. The property currently has a lot area of (.77) acre and lot frontage of one-hundred and seventy-seven (177) feet. In order to issue a building permit on the property, the lot would also need to be compliant and is the reason for those two variance requests. The property owner does not have additional adjacent property.

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### **Procedural**

The Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the underlying zoning ordinance. A variance may be approved under Ind. Code § 36-7-4-918.5 only upon a determination in writing that:

1. *The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*

**Finding:** It is unlikely that the submitted proposal would be would be injurious to the public health, safety, morals, and general welfare of the community. Accessory buildings are allowed on residential/agricultural properties and the surrounding residential/agricultural properties are used in the same manner.

2. *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*

**Finding:** It is unlikely that the use and value of adjacent property will be affected in a substantially adverse manner. Accessory buildings are permitted and a contemplated land use in the AG-SF1 district. Also, the new accessory building is using the same side and rear yard setbacks as the existing accessory building, and would therefore not be located closer to the



property line that it currently does. Any feedback from adjacent property owners should provide insight regarding the impact on adjacent properties.

3. *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.*

**Finding:** Strict adherence to the Zoning Ordinance would result in the accessory building would result in the petitioner not being able to reconstruct an Accessory Building on the property due to the lot constraints.

**Recommendation**

If the Board finds that the use and value of adjacent property will not be affected in a substantially adverse manner, then approve 1206-VS-07 based on the findings of this report.